

Metro and State Wayne County

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Wayne County panel rejects adding \$7.4M to Worthy's budget

• By Candice Williams The Detroit News



Wayne County Prosecutor Kym Worthy (David Coates/The Detroit News)

Wayne County Prosecutor Kym Worthy was dealt another blow Tuesday after a committee of the Wayne County Board of Commission rejected a settlement to add \$7.4 million to her office's budget.

"We understand her predicament," said Wayne County Commission Vice Chair Alisha Bell, D-Detroit. "No one wanted to not do this. It's just the fact that the funds weren't there. We wish they were."

After a two-hour discussion, the Committee of the Whole rejected the proposed settlement. The issue will come before the full commission for a vote Wednesday morning.

In October, Worthy sued the county after the commission funded the prosecutor's office at \$25.4 million for fiscal year 2012-13. Worthy's lawsuit said she needed at least \$34 million to run her department.

Last month, Worthy reached a settlement deal with Wayne County Executive Robert Ficano's administration for an extra \$5.6 million. That figure has since grown to \$7.4 million.

"This would set a precedent that if someone doesn't like their budget they just sue," Bell said. "The biggest factor is that we have no money. There was no presentation where the dollars would come from."

The county Prosecutor's Office is a mandated function, and should receive priority over non-mandated functions, said Maria Miller, spokeswoman for Worthy. Miller declined to list those functions.

"Prosecutor Worthy will be providing the Commission with information detailing the many non-mandated functions that are currently being paid for by the county," Miller said. "She will also be detailing sources of available spending that could be allocated to the Wayne County Prosecutor's Office."

If the full commission rejects the settlement on Wednesday, the issue remains in court, said Wayne County Commissioner Chair Gary Woronchak.

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Battle between Wayne County prosecutor, county commission heating up

Prosecutor Kym Worthy won budget lawsuit, but Wayne County is still broke

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DETROIT -

The continuing budget battle between the Wayne County prosecutor's office and the county itself is not going well. All sides are preparing for a knock down fight.

Prosecutor Kym Worthy knows her way around a courtroom and knows how to press that advantage. She recently won a \$5 million budget settlement.

Read: [Worthy settles budget lawsuit with Wayne County](#)

But there's a problem, Wayne County is broke.

Worthy went to court and asked for the \$32 million she says the county Executive, Bob Ficano, promised her. The commission gave her \$24 million in her budget.

Worth succeeded in getting a settlement with the county that nets her five and a half million more than the original budget.

"If somebody doesn't like their budget and they can put on a good show and they can get some public support or sympathy, they can go to a judge they can file suit and get some kind of a settlement some kind of a judgment where we still don't have the money," said County Commission Chairman Gary Woronchak.

Meanwhile, the county is still trying to convince the state that it does not need an emergency manager.

"I think it's going to be a very messy, messy situation," said County Commissioner Laura Cox. She says no one wants to deny Worthy anything, but reality has taken hold.

"They're going to have to come to the table and tell us where they're finding \$5.6 million, where they're going to cut what department in the general fund and what to cut to pay for that. That's a very difficult thing," said Cox.

Ficano's office is not weighing in on the matter, it was his attorney's that made the settlement. The budget battle with a judge in the middle will commence and all prepare for the face to face fight on May 9th.



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Editorial: End county budgeting by lawsuit

Legislation would restrict legal squabbles among county officials over appropriations

When voters elect county executives and county commissioners, they expect them to make budget decisions — not local circuit court judges. But in a number of cases, particularly in Wayne County, other county officials, unhappy with their budgets, sometimes seek to circumvent the local budget process through lawsuits. The state House has adopted legislation to stop these legal end runs. The Michigan Senate should do so as well.

Currently, Wayne County is being sued by Prosecutor Kym Worthy, contending that her budget isn't adequate. The county was sued by former Sheriff Warren Evans, and by the Wayne Circuit Court judges.

A Wayne Circuit judge found for the sheriff; a Livingston County judge's ruling in favor of the courts pushed the Wayne County government into a \$55 million settlement.

Michigan Supreme Court cases have held that courts have the "inherent power" under the state constitution to compel appropriations necessary to maintain their operations. But the rulings have said courts can only compel county funds to maintain court functions at an "adequate" level, not an "optimum" one.

The legislation adopted by the House, HB 5076, can't change that and doesn't try.

But it does bar litigation by other elected members of a county's executive branch, such as prosecutors and sheriffs, from suing to compel additional appropriations from county commissions or executives.

In Wayne County, the county charter vests the power to propose budgets in the county executive, and the ultimate budget authority with the county commission.

The budget process at the county level is the same as at the state level. The commissioners hold budget hearings and department heads are allowed to make their case for appropriations. If they are still not satisfied, they have the bully pulpit of their offices to take their cause to the public.

That's where the process should end. If a sheriff, county clerk or prosecutor wants more money, he or she should be a skilled enough politician to work the legislative branch and the public. Law enforcement officials such as sheriffs and prosecutors should enjoy a natural advantage in the budget process, since their work is highly valued by the public and they are often the most visible faces of county government. It is not an accident that the Wayne and Macomb county executives are former sheriffs and the Oakland executive is a former prosecutor.

Worthy's suit began in October. This legislation shouldn't affect the outcome of her case and we don't intend to intrude ourselves into the particulars of her case. But sheriffs, clerks, treasurers and prosecutors in the future should understand when they seek office that their budgets will ultimately be decided by the

commissioners, not by circuit judges on a case-by-case basis.

Such a process, if followed in Oakland County, for example, would wreck its successful multi-year budgeting program.

June West, a spokeswoman for Wayne exec Robert Ficano, notes that the county last year had to pay \$3 million in legal costs for suits brought against it to overturn the budget process. Currently, there is no incentive to reach an agreement if the taxpayers will be burdened not only with the costs of the outcome of a suit for more appropriations, but the legal fees as well.

Budgets should be decided in the political arena, where the players are directly accountable to the voters, not in courtrooms. This legislation will help return budget-making to the right venue.